

REMARKS

The Office Action dated May 17, 2010 has been received and considered. In this response, claims 1-3, 8, and 12 have been amended. Support for the amendments may be found in the specification and drawings as originally filed. To illustrate, support for the amendments to claim 1 can be found at page 11, lines 6-10. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

§112 Rejection of Claims 1-20

At page 3 of the Office Action, claims 1-20 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Although Applicants disagree with the rejection, in the interest of moving prosecution forward claims 1-3 have been amended to address the rejection. Accordingly, withdrawal of the Section 112 rejection and reconsideration of the claims is respectfully requested.

Anticipation Rejection of Claims 1-10 and 12-19

At page 3 of the Office Action, claims 1-10 and 12-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Belschner et al. (FlexRay Requirements Specification). Claim 1 as amended recites “a counter arranged to determine a communication slot number, the counter operable to: increment the communication slot number in response to determining, at the end of a dynamic communication slot, that no message has been transmitted or received at a first node during the dynamic communication slot; and to suspend incrementing of the communication slot number in response to determining, at the end of the dynamic communication slot, that a message has been transmitted or received at the first node during the dynamic communication slot.” Claims 2 and 3 recite similar features. Belschner fails to disclose these features. As a first issue, Belschner nowhere discloses a counter arranged to determine a communication slot number in any manner. The Office Action asserts that this feature is disclosed at Section 2.4 of Belschner. However, the cited portion discloses only that the maximum number of static communication slots is set to a designated value. The cited portion nowhere discloses that a counter is employed to determine a communication slot number.

Further, even assuming *arguendo* that Belschner discloses a counter, the reference nowhere discloses that the counter is incremented in response to determining, at the end of a dynamic communication slot, that no message has been transmitted or received at a first node during the dynamic communication slot, as provided by claim 1. The Office asserts that Figure 4 of Belschner discloses incrementing and suspension of incrementing a counter. However, Figure 4 only illustrates a set of slots and their associated slot numbers, and nowhere discloses incrementing or suspension of incrementing a counter in any manner. Further, Figure 4 nowhere discloses that a counter is incremented **in response to determining** that no message has been transmitted or received at a first node during a dynamic communication slot. Accordingly, Belschner fails to disclose at least the above-cited features of claim 1, and the similar features of claims 2 and 3. In addition, Belschner fails to disclose at least one feature of dependent claims 4-10 and 12-19, at least by virtue of their respective dependence on claims 1 and 3. In addition, these dependent claims recite additional novel features.

In view of the foregoing, withdrawal of the above-cited anticipation rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 11 and 20

At page 7 of the Office Action, claims 11 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Belschner in view of Gee et al. (U.S. Patent No.). Claim 11 depends from claim 1 and claim 20 depends from claim 3. As explained above, Belschner fails to disclose or render obvious at least one feature of each of claims 1 and 3. In addition, Gee fails to remedy the deficiencies of Belschner. According the cited references, individually and in combination, fail to disclose or render obvious at least one feature of each of claims 11 and 20, at least by virtue of their respective dependence on claims 1 and 3. In addition, these dependent claims recite additional novel and non-obvious features.

In view of the foregoing, withdrawal of the above-cited obviousness rejection and reconsideration of the claims is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

/Adam D. Sheehan/
Adam D. Sheehan; Reg. No. 42,146
LARSON NEWMAN & ABEL, LLP
5914 West Courtyard Drive, Suite 200
Austin, Texas 78730
(512) 439-7100 (phone)
(512) 439-7199 (fax)

October 18, 2010
Date